REMARKS

Claims 1-22 are pending in this application. Claims 2-9, 11, 13-20, and 22 have been amended to correct informalities. Claims 23 and 24 have been canceled without prejudice or disclaimer to the subject matter contained therein.

It is respectfully submitted that the above amendments introduce no new matter within the meaning of 35 U.S.C. §132. Accordingly, Applicant requests reconsideration and timely withdrawal of the pending rejections for the reasons discussed below.

Specification Objection

The specification was objected to as allegedly failing to provide proper antecedent basis for the claimed "program storage device" and "computer program product comprising a computer readable medium." See 37 CFR 1.75(d)(1) and MPEP §608.01(o). The Examiner particularly asserted that "since the specification recites the usage of a memory and does not recite anything about signals, that the claimed 'program storage device' and 'computer readable medium' are in fact the memory described in the specification and not a signal, making the claims statutory" (Office Action, page 3, lines 1-4). Applicant respectfully traverses this objection for at least the following reasons.

Applicant assumes that the claims pertinent to the above-mentioned "program storage device" and "program product comprising a computer readable medium" are claims 21 and 22 since no other claim is directed to such subject matter. However, Applicant finds that neither claim 21 nor 22 recites "signals," contrary to the Examiner's contention. Thus,

the specification does not need to provide antecedent basis for the "signals" recited in claims 21 and 22. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the objection to the specification.

Rejections under 35 U.S.C. §101

Claim 23 stands rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Applicant notes that claim 23 and its dependent claim 24 have been canceled without prejudice or disclaimer, thereby rendering the rejection thereof moot.

Rejections under 35 U.S.C. §102

Claims 1, 3, and 5-24 stand rejected under 35 U.S.C. §102(b) as being allegedly anticipated by U.S. Patent Application Publication No. 2002/0140667 applied for by Horiki ("Horiki"). Applicant respectfully traverses this rejection for at least the following reasons.

"Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W.L. Gore & Assocs. V. Garlock*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984).

Applicant respectfully submits that it is clear that Horiki fails to disclose each and every feature recited in claim 1. Specifically, claim 1 recites, *inter alia*:

(b) a processor configured to:

i) detect a predetermined object in one or more images obtained by the

camera using an object recognition algorithm *not involving background information in an image* (emphasis added)

The Examiner asserts that paragraph [0131] of Horiki teaches this claim feature (Office Action, page 4, section 8, lines 7-10). In paragraph [0131], it is described that "… when an image of the forefinger 901 is captured by the CCD camera 611, the captured image is processed by the image processing means 701, and the contour of the forefinger 901 is extracted." While this paragraph merely states that the contour of the forefinger 901 is extracted, no teaching or suggestion is found in Horiki as to how to extract the contour of the finger. Specifically, Horiki fails to teach whether or not background information is utilized in extracting the finger contour. Thus, it is clear that Horiki fails to teach or suggest a processor configured to "detect a predetermined object in one or more images obtained by the camera using an object recognition algorithm *not involving background information* in an image," as recited in claim 1 (emphasis added).

Unlike the presently claimed subject matter, most contour extraction algorithms utilize information on the background of the image in order to extract a contour of an object in the image. For example, typical contour extraction algorithms are relying on the object or the background having a particular color, and the contour of an object is found the boundary between pixels having the color and pixels not having the color. In contrast to this conventional technology, the present subject matter does not involve background information in the image.

As such, Horiki fails to disclose each and every feature recited in claim 1, and thus does not anticipate claim 1. Independent claims 12, 21, and 22 recite similar feature as that of claim 1 above, and thus are allowable for at least this reason. Claims 23 and 24 have been canceled without prejudice or disclaimer, thereby rendering the rejection thereof moot. Claims 3, 5-11, and 13-20 depend from claim 1 or 12, and thus are allowable for at least this reason. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. §102(b) rejection of claims 1, 3, and 5-22.

Rejections Under 35 U.S.C. §103

1.   Claim 2 stands rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Horiki in view of Applicant Admitted Prior Art (Specification, page 2, line 22 – page 3, line 2; "AAPA"). Applicant respectfully traverses this rejection for at least the following reasons.

Claim 2 depends from claim 1. AAPA was cited by the Examiner in an attempt to teach the additional features of dependent claim 2, but fails to cure the deficiencies of Horiki noted above with regard to claim 1. Thus, assuming *arguendo* Horiki and AAPA can be combined and a reasonable expectation of success exists, the combined references still do not teach all of the features recited in claim 1. Hence, claim 2 is allowable because it depends from allowable claim 1. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. §103(a) rejection of claim 2.

2.   Claim 4 stands rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Horiki. Applicant respectfully traverses this rejection for at least the following reasons.

     Claim 4 depends from claim 1, which is allowable over the same prior art. Thus, claim 4 is allowable for at least this reason. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. §103(a) rejection of claim 4.

CONCLUSION

Applicant believes that a full and complete response has been made to the pending Office Action and respectfully submits that all of the stated objections and grounds for rejection have been overcome or rendered moot. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative at the number below to expedite prosecution.

If an extension of time is necessary to prevent abandonment of this application and is not filed herewith, then such extension of time is hereby petitioned for under 37 C.F.R. §1.136(a). Any fees required for further extensions of time and any fees for the net addition of claims are hereby authorized to be charged to our Deposit Account No. 14-0112. Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,
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